

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HECTOR LEBRON, also known as Hector
Navarro Lebron,

Petitioner,

-against-

MICHAEL CAPRA, Superintendent, Sing Sing
Correctional Facility,

Respondent.

22-CV-9089 (LTS)

ORDER DIRECTING PAYMENT OF FEE
OR IFP APPLICATION AND SIGNATURE

LAURA TAYLOR SWAIN, Chief United States District Judge:

Petitioner, who is proceeding *pro se*, brings this petition for a writ of *habeas corpus*. He filed the petition in the United States District Court for the Eastern District, which transferred it here because Petitioner challenges a conviction from Bronx County, which is within the Southern District of New York. To proceed with this action, within 30 days, Petitioner must sign the petition, and either pay the \$5.00 filing fee or submit a completed and signed application to proceed *in forma pauperis*.

A. Signature on habeas petition

This petition for a writ of *habeas corpus* was submitted unsigned. Rule 11(a) of the Federal Rules of Civil Procedure provides that “[e]very pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney’s name – or by a party personally if the party is unrepresented.” *See also* Local Civil Rule 11.1(a). The Supreme Court has interpreted Rule 11(a) to require “as it did in John Hancock’s day, a name handwritten (or a mark handplaced).” *Becker v. Montgomery*, 532 U.S. 757, 764 (2001).

Petitioner is directed to resubmit the signature page of his petition with his original signature to the Court within 30 days of the date of this order. A copy of the signature page is attached to this order.

B. Filing fee or *in forma pauperis* application

To proceed with a petition for a writ of *habeas corpus* in this court, a petitioner must either pay the \$5.00 filing fee or, to request authorization to proceed *in forma pauperis* (IFP), submit a signed IFP application. *See* 28 U.S.C. §§ 1914, 1915.

Petitioner submitted an IFP application but it is incomplete and unsigned. Within 30 days of the date of this order, Petitioner must either pay the \$5.00 filing fee, or complete and submit the attached amended IFP application. If Petitioner submits the amended IFP application, it should be labeled with docket number 22-CV-9089 (LTS). No answer shall be required at this time. If Petitioner fails to comply with this order within the time allowed, the action will be dismissed without prejudice.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: October 25, 2022
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge